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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,881	07/24/2003	Hiroshi Fujimoto	61355-044	2828

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McDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER
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HAMILTON, MATTHEW L

ART UNIT	PAPER NUMBER
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3622

MAIL DATE	DELIVERY MODE
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09/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/625,881

Applicant(s)

FUJIMOTO, HIROSHI

Examiner

Matthew L. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/22/05 6/22/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### Status of Claims

1. This action is in reply to the application filed on 24 July 2003.
2. Claims 1-9 are currently pending and have been examined.

### *Information Disclosure Statement*

3. The Information Disclosure Statements filed 22 September 2005 and 22 June 2007 have been considered. Initialed copies of the Form 1449 are enclosed herewith.
4. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 4-5, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Cohen US Patent 6,060,993.

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**Claims 1 and 8:**

As per claims 1 and 8, Cohen teaches an advertisement distribution apparatus comprising: *a storage device that stores in memory a plurality of sets of advertisement data from a plurality of advertisers* (see at least Cohen column 4, lines 40-42 and 61-63); *a ratio calculation device that calculates a ratio at which the plurality of sets of advertisement data are to be transmitted to vehicles for displaying the advertisement (hereafter referred to as advertisement displaying vehicles)* (scheduling-see at least Cohen column 4, lines 37-46); *a selection device that selects advertisement data to be transmitted to each advertisement displaying vehicle among the plurality of sets of advertisement data stored in the storage device based upon the ratio calculated by the ratio calculation device* (see at least Cohen column 4, lines 61-63); *and a data transmission device that transmits the advertisement data selected by the selection device to the individual advertisement displaying vehicles* (communication link-see at least Cohen column 4, lines 30-46).

**Claim 2:**

As per claim 2, Cohen teaches the apparatus of claim 1 as described above. Cohen further teaches *the ratio calculation device calculates the ratio at which the plurality of sets of advertisement data are to be transmitted based upon remuneration (hereafter referred to as advertising remuneration) offered for displaying the advertisement data at the advertisement displaying vehicles* (see at least Cohen column 2, lines 12-16 and column 5, lines 14-21).

**Claim 4:**

As per claim 4, Cohen teaches the apparatus of claim 2 as described above. Cohen further teaches *wherein advertising remunerations are advertising fees* (see at least Cohen column 2, lines 12-16 and column 5, lines 14-21).

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**Claim 5:**

As per claim 5, Cohen teaches the apparatus of claim 1 comprising an advertisement management device that manages advertisement data to be stored into the storage device, wherein: the advertisement management device manages the advertisement data so that a single set of advertisement data in a given area of business is stored into each storage device (see at least Cohen column 4, lines 6-10 and lines 37-46 and column 5, lines 24-28).

**Claim 7:**

As per claim 7, Cohen teaches the apparatus of claim 6 comprising *an information providing device that provides position information indicating the position of the storage device having stored therein the advertisement data, the advertising remuneration for which have been raised by the advertisement management device to the advertisement displaying vehicles* (see at least Cohen column 4, lines 14-17 and lines 37-46).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen US Patent 6,060,993 in view of Yuzawa US Publication 2002/0016185 A1.

**Claim 3:**

As per claim 3, Cohen teaches the apparatus of claim 2 as described above. Cohen does not disclose *wherein the selection device selects advertisement data by giving priority to advertisement data offering a larger advertising remuneration*. Yuzawa, however discloses an information distribution system,

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information receiving apparatus, information list forming method, information deleting method and information storing method in paragraph 0002 and further discloses, *"The information item list may also be displayed in the order of significance of the information. For example, when the information is advertisements, advertisements for which sponsors paid a higher fee may be considered more significant. In this case, the significance of the information may be based on the advertising fee paid by the sponsors, the higher the fee, the higher the significance. The advertisements may then be displayed so that those for which a higher fee has been paid are displayed before those for which a lower fee has been paid."* and *"The priority of the information may be referred to when the table listing the information items stored in the storing apparatus 61 is formed by the data broadcasting signal generating apparatus 62. The information items may be arranged in order from the highest priority to the lowest"*. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention for Cohen to select the highest paying advertisement. One would have been motivated to select the highest paying ad in order to increase the revenue generated by the system (see at least Yuzawa paragraphs 0064 and 0066).

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen US Patent 6,060,993 in view of Iwasaki US Publication 2003/0004807 A1.

**Claim 6:**

As per claim 6, Cohen teaches the apparatus of claim 5 as described above. Cohen does not disclose *wherein the advertisement management device raises the advertising remuneration for displaying advertisement data stored at a storage device if the number of sets of advertisement data stored at the storage device exceeds a predetermined value*. Iwasaki, however discloses an apparatus and method for providing information with advertisement in paragraph 0001 and further discloses, *"Further, when the server providing advertisement-attached information stores the quantity of the advertisement-attached information that has been provided, and the advertiser is charged an advertisement fee proportional to that quantity at certain intervals (e.g., every month), the advertiser may have to pay an advertisement fee which far exceeds what he had expected if the quantity of the*

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*information provided far exceeds expectations*". Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to increase the advertising fee in Cohen when the number of sets of ad data exceeds a predetermined value. One would have been motivated to raise the fee in order to receive payment for the additional ad presentations (see at least Iwasaki paragraph 0005).

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen US Patent 6,060,993.

**Claim 9:**

As per claim 9, Cohen teaches a method as in Claim 8 above, but does not teach the method *wherein the roadside servers each adjust the ratio at which a plurality of sets of advertisement data from individual advertisers are to be transmitted to the advertisement displaying vehicles*. However, it would have been obvious to one of ordinary skill in the art at the time of the invention of Cohen to adjust the ratio of the plurality of sets of advertisement data transmitted to displaying vehicles in order to adjust the schedule of advertisements (updating schedule either monthly, hourly or daily) by inserting or displaying new and present advertisements while discarding or no longer presenting old advertisements by using a master control base (server) in communication with fixed locations stations.

**Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Saito et al., US Patent Application US 2002/0180658 A1, teaches an advertising display of a vehicle, information display unit for a vehicle and an advertisement system and method using the display unit.
- Polyakov US Patent 6,414,602 B2 teaches a system for advertising in a particular use of moving vehicles.
- Kennedy, Randy, Hail a Cab, Read a Commercial, August 26, 2001 New York Times (Late Edition East Coast) pages 1.31

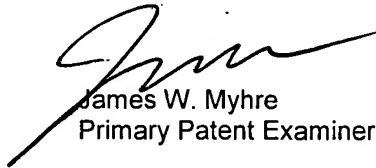
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Hamilton whose telephone number is (571) 270-1837. The examiner can normally be reached on Monday-Friday 7:30 a.m. - 5 p.m. EST alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew Hamilton  
Patent Examiner  
August 22, 2007



James W. Myhre  
Primary Patent Examiner